



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Consideration of a Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta at the Request of the San Joaquin County Board of Supervisors

MEETING DATE: July 2, 2008

PREPARED BY: Randi Johl, City Clerk

RECOMMENDED ACTION: Adopt resolution supporting the position of the San Joaquin County Board of Supervisors as outlined in County Resolution No. R-08-269, which opposes the Delta Vision Blue Ribbon Task Force recommendations for the Sacramento-San Joaquin River Delta.

BACKGROUND INFORMATION: On May 13, 2008, the County Board of Supervisors adopted the attached Resolution No. R-08-269 opposing certain recommendations from the Delta Vision Blue Ribbon Task Force with respect to the Sacramento-San Joaquin River Delta. On June 11, 2008, the City received a letter from Supervisor Ken Vogel (attached) requesting that the City of Lodi adopt a resolution supporting the County's position regarding the same. Through additional contact with the County, the City was apprised that action on this item is needed by July 8, 2008, and the item is before the City Council for consideration as a result.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

Randi Johl
City Clerk

APPROVED: _____
Blair King, City Manager



LOIS M. SAHYOUN
Clerk of the Board

BOARD OF SUPERVISORS

222 EAST WEBER AVENUE, ROOM 701
STOCKTON, CALIFORNIA 95202
TELEPHONE: 209/468-3113
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STEVEN GUTIERREZ
First District

LARRY RUHSTALLER
Second District

VICTOR MOW
Third District

KEN VOGEL
Chairman
Fourth District

LEROY ORNELLAS
Vice Chairman
Fifth District

June 6, 2008

JoAnne Mounce, Mayor
City of Lodi
Post Office Box 3006
Lodi, California 95241-1910

SUBJECT: RESOLUTION OPPOSING THE DELTA VISION BLUE RIBBON
TASK FORCE RECOMMENDATIONS FOR THE
SACRAMENTO-SAN JOAQUIN RIVER DELTA

With this letter, the Board of Supervisors of the San Joaquin County Flood Control and Water Conservation District is enclosing, for your consideration and support, a copy of Resolution R-08-269, Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta adopted and approved on May 13, 2008, by the Board of Supervisors. Our concerns over the Task Force's Delta Vision Report (Report) entitled, "Our Vision for the California Delta," are numerous and substantial, as evidenced in the findings and conclusions of the Resolution.

In general, our concerns with the Report center on a few key points of disagreement. First, we have a concern that the Report promotes a preconceived notion that an isolated or dual conveyance system must move forward as a solution without a complete and thorough analysis of the impacts of such a project on the health of the Delta, its species of concern, their habitat, water quality, and the impacts to surrounding lands and communities in our County. Such an effort cannot move forward without regard to the significant value these lands, waters, fish and wildlife have to the region and to the State of California, and we simply cannot support such an approach.

Second, the Report seems to completely ignore the system of water appropriation and water rights administration developed over the last century in the State of California, preferring instead to highlight the Public Trust Doctrine as the law governing water diversion and use. This assumption is not acceptable and would destroy much of the California economy, along with the productive farming and ranching operations (and the California families working those lands) we currently rely on for our food and fiber as a State and a nation. Finally, the Task Force's Delta Vision Report does not acknowledge nor promote the direction provided by the California Water Plan and its endorsement of integrated, regionally-focused water resource solutions that support improvements in water management and conservation, conjunctive management and use of groundwater and surface water storage, and enhanced application of water reuse and recovery technologies to lessen demand and reliance on imported water supplies.

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City Clerk
City of Lodi

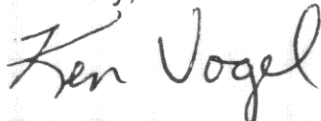
RESOLUTION OPPOSING THE
DELTA BLUE RIBBON TASK FORCE
RECOMMENDATIONS

-2-

We strongly urge action by the City of Lodi in consideration of Resolution R-08-269, Resolution Opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento-San Joaquin River Delta and support in the future as we in the region move toward more collaborative and comprehensive solutions that will address the many problems of the Delta region with respect and concern for all of our citizens and their livelihoods.

We look forward to working with you in the future with this important effort. In the event you have additional questions or comments, please feel free to contact me at (209) 468-3113 or Tom Flinn, Director of the San Joaquin County Department of Public Works, at (209) 468-3100.

Sincerely,



KEN VOGEL, Chairman
Board of Supervisors
San Joaquin County Flood Control
and Water Conservation District

KV:ERR:to
WR-8E089-T18

Enclosure

c: Members of the Board of Supervisors
 Manuel Lopez, County Administrator
 David Wooten, County Counsel
 Thomas R. Flinn, Director of Public Works
 Thomas M. Gau, Chief Deputy Director
 Dr. Mel Lytle, Water Resource Coordinator

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY COUNCIL SUPPORTING
THE POSITION OF THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS
AS OUTLINED IN COUNTY RESOLUTION NO. R-08-269 OPPOSING
THE DELTA VISION BLUE RIBBON TASK FORCE RECOMMENDATIONS
FOR THE SACRAMENTO-SAN JOAQUIN RIVER DELTA

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WHEREAS, the City Council reviewed the documentation presented by the San Joaquin County, through Supervisor Ken Vogel, requesting support of the County's position in opposing the recommendations of the Delta Vision Blue Ribbon Task Force with respect to the Sacramento-San Joaquin River Delta.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby support the position of the San Joaquin County Board of Supervisors as outlined in County Resolution No. R-08-269, attached hereto marked Exhibit A, opposing the Delta Vision Blue Ribbon Task Force recommendations for the Sacramento-San Joaquin River Delta.

Dated: July 2, 2008

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I hereby certify that Resolution No. 2008-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 2, 2008, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

BEFORE THE BOARD OF SUPERVISORS OF THE SAN JOAQUIN COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
STATE OF CALIFORNIA

RESOLUTION

R-08- 269

RESOLUTION OPPOSING THE DELTA VISION
BLUE RIBBON TASK FORCE RECOMMENDATIONS
FOR THE SACRAMENTO-SAN JOAQUIN RIVER DELTA

WHEREAS, on September 28, 2006 under Executive Order S-17-06, Governor Arnold Schwarzenegger established the Delta Vision Committee, a Blue Ribbon Task Force and Stakeholder Coordination Group to help develop a durable vision for sustainable management of the Delta with the goal of managing the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social well being of the people of the State; and,

WHEREAS, the planning process has progressed to the point where, on November 30, 2007, the Task Force released their Delta Vision Report (Report) entitled, "Our Vision for the California Delta." In the report it describes both short- and long-term recommendations that propose changes to a wide array of issues affecting the Delta including water supply, water quality, flood control, land use, habitat, and local governance; and,

WHEREAS, while this planning effort together with the several Report recommendations has outlined ideas that may allow the Delta to meet future beneficial needs in a sustainable way, it also supports and calls for the studies, modeling, investigations, and potential development of an isolated water conveyance facility, Peripheral Canal singularly or as a part of a dual conveyance system; and,

WHEREAS, the construction and operation of a Peripheral Canal or a similar facility would require the taking of prime agricultural land and possibly urban areas for the construction of the canal itself and the loss of additional acreage from seepage from that canal, will cause severance damage to additional prime agricultural land, will sever and impair utilities and local road systems, will create significant new flood dangers to agricultural lands and urban areas within the City of Stockton and San Joaquin County, will adversely affect the water rights of water users within San Joaquin County, will circumvent the Delta common pool, and will seriously impair Delta water quality and an adequate supply for all beneficial uses, and the protection of endangered fish populations, wildlife, and other recreational resources within the County; and,

WHEREAS, given the fact that the Report acknowledges on page 13 that there is not currently sufficient information to determine whether an isolated facility, dual conveyance system or through-Delta conveyance is the best solution for the Delta, the recommendation on page 14 of the Report that an "assessment of a dual conveyance system proceed as the preferred direction" cannot be supported; and,

WHEREAS, San Joaquin County is concerned that the Seventh Principle of the Report, which provides that a "revitalized Delta ecosystem may require reduced diversions, or changes in patterns of diversion upstream, within and exported from the Delta," does not specifically consider and respect California's water right priority system and statutory protections for watershed protection areas and areas of origin; and,

WHEREAS, San Joaquin County is concerned that the Report considers upstream diversions and diversions within the Delta for local use as a problem to be addressed when these uses must be included within the Delta ecosystem that the State must strive to protect the County from the adverse impacts of Delta exports; and,

WHEREAS, San Joaquin County is concerned that the Report focuses on the Public Trust Doctrine as principles of State law to be recognized, while ignoring other equally important principles of State law, including, but not limited to, the water right priority system, and the protection of areas of origin and watershed protection areas; and,

WHEREAS, other more practical alternatives exist as outlined under a locally-supported proposal for greater regional self-sufficiency than a Peripheral Canal that can be constructed more rapidly at substantially less cost and will not create the destruction and problems that would be created by an isolated water conveyance facility; and,

WHEREAS, the State of California Water Plan has also promoted the need for more integrated and regionally-focused water resource solutions including greater efficiency in the use of available surface supplies, expansion of conjunctive use programs, better management of groundwater resources, desalination, conservation and recycling to establish greater self-sufficiency in areas of the State that rely on imported water supplies; and,

WHEREAS, the Blue Ribbon Task Force has apparently pre-supposed the need for a Peripheral Canal, isolated or dual conveyance facility in the Delta despite the lack of consideration for other more viable alternatives and without sound science and technical analysis needed for an informed decision. County representatives have worked cooperatively with Delta interests and other local water agencies to inform the Delta Vision process of other more viable alternatives with only limited success; and,

WHEREAS, on April 16, 2008, the 19-member agency San Joaquin County Flood Control and Water Conservation District Advisory Water Commission voted unanimously to recommend approval of this resolution.

NOW THEREFORE, BE IT RESOLVED that the San Joaquin County Board of Supervisors does not support the Blue Ribbon Task Force's Delta Vision Report recommendations and the continued strategic planning process so long as this effort supports and promotes the development of a Peripheral Canal or any other isolated water conveyance facility in the Delta; and hereby urges the following:

1. That the Sacramento-San Joaquin River Delta, not California Delta as listed in the Report, be sustained as a unique and valued area, warranting continued investment, preservation, maintenance and special legal protections wherein the State must adopt explicitly in policy that the over-arching goal is the continuous and simultaneous improvement in health of the Delta, the Bay/Delta Estuary and other Northern California tributaries through improved water supply,

reliability, water quality, and flood protection by sustaining priorities for the Delta, areas of origin and other watershed protection areas in California.

2. That the priority for meeting the needs in the Delta and Northern California tributaries from which water is exported should be acknowledged and forthrightly honored by both the Central Valley Project and State Water Project to comply with the San Joaquin River, Watershed and Delta Protection Statutes and the continuation of the Delta as a common pool to the maximum extent possible for all local beneficial uses and export as described in Water Code Section 12200 et seq.
3. That in order for the recommendations in the Report to be consistent with the technical findings acknowledged in the Report, the Task Force should also recommend assessment of Through-Delta conveyance.
4. That regardless of what Delta improvements are ultimately supported by the State, any Delta improvements must acknowledge that water users and interests within San Joaquin County are entitled to priority water use and protection from exports under existing California law, and insure that State actions are consistent with those rights and protections.
5. That the foundation for recommendations by the Report for any new water resource policy must: 1) recognize the priority for the water needs in the Delta and other areas of origin and watershed protection areas; 2) provide for the protection of California's water rights priority system; 3) provide for Delta salinity control; and 4) recognize the established fundamentals of California water law wherein the California State Constitution Article X, Section 2 prohibits waste, unreasonable use, and unreasonable method of use of water resources and it further provides that "the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."
6. That future water supplies for the State of California be developed through greater regional self-sufficiency as prescribed by "A Water Plan for the 21st Century: Regional Self-Sufficiency" to include increased conservation, recycling, efficiency, conjunctive use, desalination, surface and groundwater storage and reclamation.
7. That the State set a priority to support self-sufficiency through improved Integrated Regional Water Management planning and implementation activities throughout the State to develop and utilize local water storage for the capture and management of available flood waters or other projects for improved conjunctive use, recharge, banking and groundwater storage in California.
8. That Delta levees be strengthened and operable gates or other facilities installed at strategic locations to improve future Delta sustainability, urban flood protection, ecosystem integrity, agricultural health and facilitate recovery from seismic or other emergency to optimize through-Delta conveyance and work in cooperation with other agencies to develop additional supplies to address the needs for the entire State.
9. That the primary and secondary boundaries of the Delta remain as established under California law and that any new governance proposal in the Report must first recognize and support: 1) the vested private property rights of land owners and the constitutionally recognized land use controls of local governments that encompass the Delta; 2) provide for

R-08-269

the protection of California's water rights priority system; and 3) provide for the protection of watershed protection and area of origin rights.

NOW THEREFORE, BE IT FURTHER RESOLVED that in conjunction with these declarations, the San Joaquin County Board of Supervisors further urges recognition of the following:

1. That the failure of the State Water Project to develop the promised 5 million acre-feet of supplemental water supply for California from North Coast rivers, as listed in Department of Water Resources Bulletin 76, limits the export of only surplus water from the Delta to periods and times when senior water rights, areas of origin and other beneficial uses are not adversely impacted.

2. That the San Joaquin River should also be recognized as a unique and valued watershed to be restored and protected as a vital element of a healthy Delta to provide for the reestablishment of sufficient in-stream flows for all beneficial uses and fishery habitat from the Friant Dam to the Delta.

3. That a long-term sustainable drainage solution in the San Joaquin Valley that incorporates ocean outfall must be implemented so agricultural tail water and groundwater accretions high in salinity from lands in the Westside Service Area, Grasslands and wildlife refuges does not drain into the San Joaquin River. This solution should result in the preservation of our valued agriculture economy in the Valley and in greater regional water supply, improved water quality and sustainability through the conservation of hundreds of thousands of acre-feet of water released annually from the Stanislaus River or other Eastside tributaries to comply with the Vernalis and South Delta Salinity Standards.

PASSED AND ADOPTED 5/13/08, by the following vote of the Board of Supervisors, to wit:

AYES: **Ruhstaller, Ornellas, Gutierrez, Mow, Vogel**

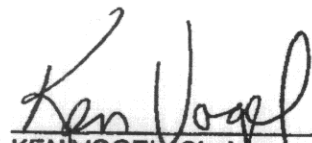
NOES: **None**

ABSENT: **None**

ATTEST: LOIS M. SAHYOUN
Clerk of the Board of Supervisors
of the County of San Joaquin,
State of California

By 
Deputy Clerk




KEN VOGEL, Chairman
Board of Supervisors
of the San Joaquin County Flood Control
and Water Conservation District,
State of California

WR-8D071-T3